

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LYNNE FREEMAN,

Plaintiff,

v.

TRACY DEEBS-ELKENANEY P/K/A TRACY
WOLFF, et al.,

Defendants.

Case No. 1:22-cv-02435-LLS-SN

DECLARATION OF LYNNE FREEMAN

DECLARATION OF LYNNE FREEMAN

I, Lynne Freeman, hereby declare as follows:

1. I am above eighteen (18) years of age and am competent to give the testimony set forth below. Said testimony is given from my own personal knowledge. I make this declaration in support of Plaintiff's Motion to Compel. If called as a witness, I could and would competently testify as set forth below.
2. I am the plaintiff in this action.
3. On or about December 2010, Defendant Emily Sylvan Kim asked me what is the "coolest kind of Ducati" motorcycle. Since the romantic lead in my work at issue rides a Ducati, I told Kim a "Ducati Streetfighter S."
4. Kim then asked me for permission to use "Ducati Streetfighter S" in another writer's book. That writer was Defendant Tracy Deebs-Elkaneny p/k/a Tracy Wolff.
5. "Ducati Streetfighter S" is the motorcycle the romantic lead rides in Wolff's first YA novel *Tempest Rising*, published in May 2011.
6. The reference to "Ducati Streetfighter S" appears in Wolff's alleged June 2010 draft of *Tempest Rising*.
7. If the reference to "Ducati Streetfighter S" was allegedly in Wolff's June 2010 draft of *Tempest Rising*, it is entirely unclear why Kim asked me about it and sought my permission to use this reference months later in December 2010.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed on March 10, 2023 in Santa Barbara, California.

By: _____
Lynne Freeman
Declarant